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PTO/SB/05 (03-01)

Approved for use through 10/31/2002, OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages **26**] (preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [ Total Sheets **11** ]
- Oath or Declaration [ Total Pages **1** ]
  - Newly executed (original or copy)
  - Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 18 completed)
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)of prior application No. **09 872,752**

Prior application information: Examiner \_\_\_\_\_

Group Art Unit: **2859**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 <small>(Insert Customer No. or Attach bar code label here)</small>			or	<input checked="" type="checkbox"/> Correspondence address below		
Name	Richard B. Preiss						
Address	Stoel Rives LLP 900 SW Fifth Ave., Suite 2600						
City	Portland	State	OR	Zip Code	97204		
Country	USA	Telephone	503.224.3380		Fax	502.220.2480	
Name (Print/Type)	Richard B. Preiss		Registration No. (Attorney/Agent)		36,640		
Signature					Date		<b>11/2/01</b>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

JCS03 U.S. PRO  
10/05/01

11/02/01

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<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Ronald A. Palfenier
	Title	A METHOD OF OPTICAL PYROMETRY THAT IS INDEPENDENT OF EMISSIVITY AND . . .
	Atty Docket Number	45532/1:7

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Nov. 2, 2001

Date

Signature

Richard B. Preiss, #36,640

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Application No.:

Filed: Concurrently Herewith

Inventors: Ronald A. Palfenier and Patrick J. Nystrom

Title: **A METHOD OF OPTICAL PYROMETRY THAT IS INDEPENDENT OF  
EMISSIVITY AND RADIATION TRANSMISSION LOSSES**

Attorney Docket No.: 45532/1:7

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**CERTIFICATE OF EXPRESS MAILING**

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WASHINGTON, D.C. 20231

  
Signature

Sandra Lekar

Typed or printed name of person signing  
certificate

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Attachment:

- Utility Patent Application Transmittal, 26 pages of specification and claims,  
11 sheets of drawings, Combined Declaration and Power of Attorney  
(unsigned), Nonpublication Request, and return receipt postcard.